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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,143	11/12/2003	Blaise J. Collura	21974-68094	6070
7590	07/13/2005		EXAMINER	
Michael J Colitz III Holland & Knight LLP Suite 4100 100 N Tampa St Tampa, FL 33603-3644			LEE, BENJAMIN C	
			ART UNIT	PAPER NUMBER
			2632	
DATE MAILED: 07/13/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/706,143	COLLURA, BLAISE J.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Benjamin C. Lee	2632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 14 March 2005.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-12 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-12 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 04 March 2004 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12/7/04.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 5 is rejected under 35 U.S.C. 102(b) as being anticipated by Buell et al. (US pat. #5,255,835).

1) Regarding claim 5, Buell et al. discloses the claimed paper roll core comprising a hollow cylinder having an interior surface and an exterior surface, between which surfaces is a core wall, and wherein the exterior surface further comprises a longitudinal flat surface integrally formed therein (Figs. 2-4 and 8).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4 and 6-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roder (US pat. #6,334,587) in view of Endo et al. (US pat. #6,018,298).

1) In considering claim 1:

Roder disclosed the claimed affixing to a paper roll (1) an electronic sensor (18, 21, 23, 26 of Fig. 3), wherein the sensor produces a detectable signal, and detecting (contactless reading heads 27-29) the signal from the sensor when it passes through or near a detection zone (Fig. 4 and Abstract);

while Endo et al. teaches affixing electronic sensor (12) to article (11) for detection when the sensor passes through or near a detection zone at a retailer's location thereby preventing unauthorized removal of the article (co. 5, lines 42-46).

In view of the teachings by Roder and Endo et al., it would have been obvious to one of ordinary skill in the art at the time of the claimed invention that detection of electronic sensor affixed to a paper roll in a system such as taught by Roder can be used at a retailer's location to prevent unauthorized removal of the paper roll such as taught by Endo et al. as a known intended use of affixing and detecting electronic sensors on articles.

2) In considering claim 2, Roder and Endo et al. made obvious all of the claimed subject matter as in claim 1, including:

--the claimed affixing the sensor to the core of the paper roll (Fig. 3 of Roder).

3) In considering claims 3-4, Roder and Endo et al. made obvious all of the claimed subject matter as in the consideration of claims 1-2.

4) In considering claims 6-7 Roder and Endo et al. made obvious all of the claimed subject matter as in the consideration of claims 1-2, including:

--the claimed means for generating an electronic signal fro a sensor at a selected frequency (col. 5, lines 49-60 of Endo et al. and Figs. 3-4 of Roder); and means for detecting the signal generated by the sensor when the sensor is in the proximity of a detection zone (Fig. 3 and col. 5, lines 56-62 of Endo et al. and Figs. 3-4 of Roder).

5) In considering claim 8, Roder and Endo et al. made obvious all of the claimed subject matter as in claim 7, including:

--the claimed wherein the core further comprises an exterior surface with a flat surface integrally formed thereon, and wherein the system further comprises affixing the sensor to the flat surface of the core (Fig. 3 of Roder wherein sensor 18 is affixed/inserted into an indented, flat surface of a front-facing exterior surface of core 3).

6) In considering claims 9-12, Roder and Endo et al. made obvious all of the claimed subject matter as in claim 6, including:

--the claimed wherein the signal activates an alarm that is at least an audible indicator that is recognized at a remote location or proximal to the detection zone (col. 51, lines 60-62 of Endo et al., wherein sound of speaker 26 inherently radiates from proximal of the detection zone outwardly to remote locations, and therefore the audible alarm is recognized at proximal as well as remote locations).

It would have been obvious to one of ordinary skill in the art at the time of the claimed invention to use the alarm aspects of Endo et al. in a system such as taught by Roder and Endo et al. when used as an anti-theft alarm system.

### **Conclusion**

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1) US pat. #s 6201474 (Figs. 3 & 7); 6222453 (Fig. 1A), 5880675 (Fig. 7)

--Known placement of anti-theft sensors on an intentional flat application surface.

2) US pat./pub. #s 6106166 (Fig. 9), 6802659 (Figs. 3-5), 2002/0067267 (Fig. 8), 6375298 (Fig. 9), 2002/0015066 ([0056]), 6527356 (col. 14, lines 18-21),  
--Similar sensors placed on paper rolls.

3) US pat. # 3689003

--A similar core shaped structure having flat exterior surface.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin C. Lee whose telephone number is (571) 272-2963. The examiner can normally be reached on Mon -Fri 11:00Am-7:30Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Benjamin C. Lee  
Primary Examiner  
Art Unit 2632

B.L.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Blaise J. Collura

SERIAL NUMBER: 10/706,143

FILED: 11/12/03

FOR: Paper Roll Anti-Theft Protection

ATTORNEY DOCKET NO.: 093976.00016

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT  
WITHIN THREE MONTHS OF FILING OR BEFORE  
MAILING OF FIRST OFFICE ACTION

As listed on the attached Form PTO-1449, Applicant submits herewith copies of the patents, publications or other information of which they are aware, which they believe may be material to the examination of this application and in respect of which there may be a duty to disclose. Copies of the cited patents are not provided herewith due to the fact that they were previously submitted to the United States Patent and Trademark Office in United States Patent Application Serial No. 10/022,009, filed December 14, 2001 (New Pat. No. 6,653,940) and Serial No. 60/255,863, filed December 15, 2000, of which the instant application is a continuation-in-part of (37 C.F.R. §1.98(d)).

<i>M</i>	U.S. 3,599,229	Merrell
	U.S. 3,665,449	Elder et al.
	U.S. 4,063,229	Welsh et al.
	U.S. 4,151,405	Peterson
	U.S. 4,413,254	Pinneo et al.
	U.S. 4,455,464	Leyden
	U.S. 4,510,489	Anderson, III et al.
	U.S. 4,626,311	Taylor
	U.S. 4,660,025	Humphrey
	U.S. 4,673,923	Boscoe et al..
	U.S. 4,686,154	Mejia
<i>Bn</i>	U.S. 4,686,513	Farrar et al.

*m*

U.S. 4,692,746	Budin et al.
U.S. 4,692,747	Wolf
U.S. 4,831,363	Wolf
U.S. 4,835,028	Dey et al.
U.S. 4,835,524	Lamond et al.
U.S. 4,881,061	Chambers
U.S. 4,957,312	Morello
U.S. 4,962,369	Close
U.S. 4,980,670	Humphrey
U.S. 5,059,951	Kaltner
U.S. 5,072,213	Close
U.S. 5,081,445	Gill et al.
U.S. 5,103,209	Lizzi et al.
U.S. 5,168,263	Drucker
U.S. 5,172,098	Leyden et al.
U.S. 5,182,544	Aquilera et al.
U.S. 5,209,513	Batelli et al.
U.S. 5,218,189	Hutchison
U.S. 5,260,690	Mann et al.
U.S. 5,357,240	Sanford et al.
U.S. 5,367,289	Baro et al.
U.S. 5,376,921	Trikilis
U.S. 5,411,551	Winston et al.
U.S. 5,463,376	Stoffer
U.S. 5,499,015	Winkler et al.
U.S. 5,541,551	Winston et al.
U.S. 5,541,574	Lowe et al.
U.S. 5,543,782	Rothbaum et al.
U.S. 5,541,574	Lowe et al.
U.S. 5,499,015	Winkler et al.
U.S. 5,561,417	Rothbaum et al.
U.S. 5,587,703	Dumont
U.S. 5,745,036	Clare
U.S. 5,748,085	Davis et al.
U.S. 5,754,110	Appalucci et al.
U.S. 5,838,253	Wurz et al.
U.S. 5,841,350	Appalucci et al.
U.S. 5,963,134	Bowers et al.
U.S. 5,982,282	Ryan Jr.
U.S. 5,990,794	Alicot et al.
U.S. 5,992,739	Maeder
U.S. 6,011,474	Coffey et al.
U.S. 6,018,298	Endo et al.
U.S. 6,028,518	Rankin et al.
U.S. 6,032,799	Bellum et al.
U.S. 6,043,746	Sorrells
U.S. 6,091,607	McKeown et al.

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*m* U.S. 6,138,569 McCormick  
*m* U.S. 6,177,870 Lian et al.  
*m* U.S. 6,310,963 Erdol et al.  
*m* U.S. 6,307,473 Zampini et al.  
*m* U.S. 6,307,474 Lian et al.

7/6/05

*Reyn* The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 CFR 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability or that no other material information exists.

The filing of this information disclosure statement shall not be construed as an admission against interest in any manner.

Respectfully submitted,

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CERTIFICATE OF MAILING

I HEREBY CERTIFY that the foregoing was placed in an envelope and mailed via first class mail, postage paid, to: U.S. Patent and Trademark Office, 220 20<sup>th</sup> Street South, Customer Window, Mail Stop DD, Crystal Plaza Two, Lobby, Room 1B03, Arlington, VA 22202 this 7 day of December, 2004.

The Commissioner is hereby authorized to charge any additional fees which may be required at any time during the prosecution of this application without specific authorization, or credit any overpayment, to Deposit Account Number 50-1667.

*Michael J. Colitz III*  
Michael J. Colitz, III